

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Horticulture Department – Departmental proceedings against Sri M.A.Saleem, Ex-Assistant Director of Horticulture(now retired) allegations of irregularities in purchase of plant material under D.P.A.P. at Chittoor and short supply of coconut plants to District Scheduled Caste Cooperative Society Limited, Nizamabad – Awarding of penalty of withholding of 50% pension for a period of (5) five years besides recovery of the amount involved in the charges proved – Orders - Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 1220

Dated: 07-10-2009

Read the following:-

- 1) GOMs.No.80, Agri. & Coop.(Horti.)Dept., dt.17-03-1999.
- 2) From APAT orders dt.07-04-1999 in O.A.No.1643/1999.
- 3) Govt.Letter No.6983/Horti./1999-2, dt.30-11-1999.
- 4) Govt.Memo No.12380/Horti./1994-4, dt.19-08-2000.
- 5) From APAT orders dt.01-11-2000 in O.A.No.6600/2000.
- 6) Govt.Letter No.12380/Horti./1994-7, dt.15-02-2001.
- 7) From High Court of A.P. orders dt.15-06-2007 in W.P.No.12414/2007.
- 8) From III Member, T.D.P.,Hyd. T.E.C.No.15/2005, dt.15-06-2007.
- 9) Govt.Memo No.59/VC.II(2)/2001-30, dt.29-04-2008.
- 10) From Sri M.A.Saleem, ADH(Retired), Representation dt.02-06-2008.
- 11) Govt.Memo No.59/Vig.II(2)/2001-31, dt.27-09-2008.
- 12) From Sri M.A.Saleem, ADH(Retired), Representation dt.03-11-2008.
- 13) Govt.Letter No.59/Vig.II(2)/2001-32, dt.29-05-2009.
- 14) From Secretary, APPSC, Hyd. Lr.No.722/RT-I/1/2009, dt.27-07-2009.

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ORDER:

In a disciplinary case, Government imposed a penalty of removal from service along with recovery of Rs.2.90 lakhs against Sri M.A.Saleem, Assistant Director of Horticulture vide reference 1st read above. Aggrieved by the above said orders, Sri M.A.Saleem, Assistant Director of Horticulture filed an O.A.No.1643/1999 in the A.P.Administrative Tribunal The Hon'ble Tribunal in its orders dt.07-04-1999 in the O.A.No.1643/1999, while setting aside the orders issued in the reference 1st read above have directed that the respondents are at liberty to refer the matter to the Tribunal for Disciplinary Proceedings as the misconduct said to have been committed by the applicant was prior to A.P.Act 6 of 1993. Accordingly, in the reference 3rd read above, the case was entrusted to the Tribunal Disciplinary Proceedings to conduct an inquiry on the charges already framed against Sri M.A. Saleem, Assistant Director of Horticulture.

2. In another disciplinary case, a Show Cause Notice was issued to Sri M.A.Saleem, Assistant Director of Horticulture(Retired) with a direction to show cause as to why the penalty of withholding of 50% pension permanently besides recovery of pecuniary loss of Rs.1,14,826/- caused to Government within the stipulated time under Rule 9 of A.P.Revised Pension Rules, 1980 vide reference 4th read above. Aggrieved by the said Show Cause Notice, Sri M.A.Saleem, Assistant Director of Horticulture(Retired) filed an O.A.No.6600/2000 in the A.P.Administrative Tribunal. The Hon'ble Tribunal in its orders dt.01-11-2000 in the O.A.No.6600/2000, while setting aside the Show Cause Notice in the reference 4th read above have directed that the respondents are at liberty to refer the matter to the Tribunal for Disciplinary Proceedings as the misconduct said to have been committed by the applicant was prior to A.P.Act 6 of 1993. Accordingly, in the reference 6th read above, the case was entrusted to the Tribunal for Disciplinary Proceedings to conduct an inquiry on the charges framed against Sri M.A. Saleem, Assistant Director of Horticulture.

3. The III Member, Tribunal for Disciplinary Proceedings, Hyderabad has framed the following (14) article of charges against Sri M.A.Saleem, Assistant Director of Horticulture(Retired) duly clubbing the said two disciplinary cases:-

Charge No.1: *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position failed to supply the agreed number of plant material i.e., coconut seedlings to S.C. Coop. Society Ltd., Nizambad inspite of incurring the expenditure for the agreed plant material and thereby you committed misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*

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- Charge No.2:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position disobeyed the orders of the DoH in purchase of Seed-nuts beyond 31-7-1987 and thereby committed misconduct under Rule 3 of A.P.C.S. (Conduct) Rules, 1964 r/w Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.3:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position did not mention the numbers of lorries through which transportation of 60,000 seed nuts were made and there by you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.4:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position incurred additional expenditure towards procurement and transport of additional seed nuts of 20,000 as the ED, S.C. Corporation Ltd., Nizamabad has indented for supply of 40,000 coconut seedlings and as against this 60,000 seed-nuts were purchased which is abnormally high and thereby incurred additional expenditure towards procurement and transport of additional seed nuts purchased and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.5:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position incurred additional expenditure towards procurement and transport of additional seed nuts of 20,000 as the E.D., S.C. Corporation Ltd., Nizamabad has indented for supply of 40,000 coconut seedlings and as against this 60,000 seed-nuts were purchased which is abnormally high and thereby incurred additional expenditure towards procurement and transport of additional seed nuts purchased and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.6:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position obtained abnormally poor germination of coconut seedlings and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.7:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position committed irregularities in procurement of Guava layers, supply of mango grafts and using polythene bags and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.8:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position disobeyed the orders of the higher authorities and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.9:** *"That Sri M.A.Saleem, while working as ADH, Nizamabad were actuated by corrupt motive and in abuse of your official position disobeyed the orders of the higher authorities and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.10:** *"That Sri M.A.Saleem, while working as ADH, Chittoor were actuated by corrupt motive and in abuse of your official position committed irregularities in purchase transport, receipt, stock entry etc., of Ber budded plants and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*
- Charge No.11:** *"That Sri M.A.Saleem, while working as ADH, Chittoor were actuated by corrupt motive and in abuse of your official position committed irregularities in purchased of pomegranate plants and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993".*

Charge No.12: *“That Sri M.A.Saleem, while working as ADH, Chittoor were actuated by corrupt motive and in abuse of your official position drew huge amount and kept the same with you unauthorisedly for long period and personally made payments in cash instead of payment through cheque or D.D. and misappropriated government money and there by you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993”.*

Charge No.13: *“That Sri M.A.Saleem, while working as ADH, Chittoor were actuated by corrupt motive and in abuse of your official position had not written and submitted your tour diaries to the Director of Horticulture for tours out of your jurisdiction not regularized and there by you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993”.*

Charge No.14: *“That Sri M.A.Saleem, while working as ADH, Chittoor were actuated by corrupt motive and in abuse of your official position neglected your duty in receiving plant material at the farm in worst conduction and taking care of the plant material both at the farm and field level and complete in action in organizing timely plantations and thereby you are guilty of misconduct within the meaning of Rule 2(b) of APCS (DPT) Rules, 1989 framed under APCS(DPT) Act, 1960 as amended in 1993”.*

4. The III Member, Tribunal for Disciplinary Proceedings, Hyderabad, after conducting the inquiry, has submitted the Inquiry Report concluding that the charges (1) to (8) are held not proved and the charges (9) to (14) are held proved against the Charged Officer Sri M.A.Saleem, Assistant Director of Horticulture(Retired) and the amounts mentioned in the charge as regards misappropriation shall be recovered from the Charged Officer. In the reference 9th read above, while communicating a copy of Inquiry Report of Tribunal for Disciplinary Proceedings, Sri M.A.Saleem, Assistant Director of Horticulture(Retired) was requested to submit his representation, if any, on the findings of the Tribunal for Disciplinary Proceedings. The Charged Officer Sri M.A.Saleem, Assistant Director of Horticulture (Retired) has submitted his representation on the findings of the Tribunal for Disciplinary Proceedings and requested to exonerate him from the charges.

5. Government, after careful examination of the matter, have provisionally decided to impose a penalty of withholding 50% pension permanently besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired) under Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, a Show Cause Notice was issued to Sri M.A.Saleem, Assistant Director of Horticulture(Retired) with a direction to show cause as to why the penalty of withholding of 50% pension permanently besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired) vide reference 11th read above. The Charged Officer Sri M.A.Saleem, Assistant Director of Horticulture(Retired) has submitted his representation requesting to drop further action against him and release full pension and other benefits.

6. Government, after careful examination with reference to record of inquiry, findings of Tribunal for Disciplinary Proceedings and representation submitted by the Charged Officer, have decided to confirm the provisional decision to impose a penalty of withholding 50% pension permanently besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired). Accordingly, Government have consulted the A.P.Public Service Commission for their concurrence vide reference 13th read above.

7. In the reference 14th read above, the A.P.Public Service Commission advised to impose a penalty of 50% cut in pension for a period of 5 years besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired).

8. Government, after careful examination of the matter, have decided to impose a penalty of withholding 50% pension for a period of five years besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

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9. Accordingly, Government hereby impose a penalty of withholding 50% pension for a period of five years besides recovery of the amount involved in the charges proved against Sri M.A.Saleem, Assistant Director of Horticulture(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

10. The Director of Horticulture, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PANKAJ DWIVEDI
A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.A. Saleem, Assistant Director of Horticulture (Retired)
(Through : The Director of Horticulture, A.P., Hyderabad)

Copy to:-
The Director of Horticulture, A.P., Hyderabad.
The Secretary, A.P.V.C., Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER